

POLICE/SHERIFF'S DEPARTMENT		GENERAL ORDERS	
SUBJECT: Investigations		NUMBER: 2-14	
EFFECTIVE DATE: July 1, 1999		REVIEW DATE:	
AMENDS/SUPERSEDES: GO 2-14, January 1988		APPROVED: _____ Chief of Police/Sheriff	
CALEA STANDARDS: 42.1.4, 42.2.1-7, 83.2, 83.3		VLEPSC STANDARDS: OPR.02.01-.06	

NOTE

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS

Commonwealth's attorney; relationship with
Disposition of cases
Evidence collection
Information; sources of
Interviews/interrogations
Investigation; follow-up
Investigation; preliminary
Organized crime

I. POLICY

The primary purpose of an investigation is to collect facts leading to the identification, arrest, and conviction of an offender and to organize and present the facts for a successful prosecution. The single most important criterion which determines a successful investigation is correctly obtaining and handling information supplied by a victim or witness after the crime. The department expects officers to treat investigations as a skill developed through training and experience, a skill that demands intelligence, logic, and discipline.

II. PURPOSE

To establish guidelines for the general conduct of preliminary and follow-up investigations.

III. PROCEDURES - PRELIMINARY INVESTIGATIONS

A. General

The preliminary investigation begins when the first officer arrives at the scene of a crime (or a citizen requests help) and continues until a specialized investigator intervenes.

B. Caution

Officers who first arrive at a possible crime scene must take care not to enter hastily. The crime scene may pose a threat to the officer: an armed suspect may still be at the scene; toxic chemicals or infectious materials may be present; or evidence may be destroyed if the officer enters. When practicable, officers shall first note the total environment of the scene including, for example, whether doors and windows are open or closed, lights on or off, presence of odors, and the condition and circumstances of the victim.

C. After forming an impression of the entire scene and ensuring that no threat exists, the officer shall proceed with the preliminary investigation which consists of, but is not limited to, the following activities:

1. Providing aid to the injured.
2. Defining the boundaries of and protecting the crime scene to ensure that evidence is not lost or contaminated. Erect barricade tape, rope, or cordon off the immediate crime scene. Record any alterations to the crime scene because of emergency assistance, the immediate necessity to handle evidence, or the actions of witnesses, victims, or suspects at the scene.
3. Determining if an offense has actually been committed and, if so, the exact nature of the offense.
4. Determining the identity of the suspect or suspects and making an arrest if it can be accomplished either at the scene or through immediate pursuit.
5. Furnishing other officers with descriptions, method, and direction of flight of suspects, and other relevant information concerning wanted suspects or vehicles.
6. Determining the identity of all witnesses.

7. Collecting evidence. Unless exigent circumstances exist or a supervisory officer so orders, officers conducting a preliminary investigation shall not collect evidence at major crime scenes. When appropriate, officers shall gather document evidence, taking care to maintain the chain of custody.
8. Obtaining written statements from the victim, witnesses, and suspects.
9. Arranging for follow-up surveillance of the crime scene, if appropriate.
10. Accurately and completely recording all pertinent information on the prescribed report forms.

D. Follow-up

The initial stages of all preliminary investigations, including crime scene processing, shall be conducted by patrol officers.

In certain serious crimes as defined in Section IV of this general order investigators shall assume responsibility for completion of the investigation.

E. Supervisory responsibilities

The on-duty supervisor shall ensure that an adequate and complete preliminary investigation has been made and shall review, screen, and approve the officer's preliminary report. Screening shall include a review of facts to ensure that all essential information is included, along with legibility, clarity, and completeness. Supervisors shall review, approve, and sign crime reports.

1. Supervisors shall limit access to crime scenes to those persons immediately and directly connected with the investigation. This rule applies to other officers of the department, other agencies, or members of the community, regardless of rank or position.
2. The supervisor shall authorize the call-out of a certified evidence technician, if appropriate.
3. The supervisor may enlarge the preliminary crime scene if necessary by assigning officers to canvass the area for possible witnesses or suspects.

IV. PROCEDURES: FOLLOW-UP INVESTIGATIONS

- A. Homicides, rapes, and robberies, major disasters, hostage situations, bombings, sex crimes, child abuse/neglect, felonious assault, and kidnappings shall be followed up by the investigator. Officers who conduct preliminary investigations of these offenses shall contact the investigator as soon as practicable.

- B. Occasionally, additional investigation will be required at the end of the tour of duty of the assigned officer. In these cases, the on-duty supervisor shall determine whether the investigation should be discontinued until the assigned officer's next tour of duty, or assigned to the next available officer or an investigator.
- C. Except where the investigation might be jeopardized by its temporary discontinuance, the original assigned officer shall handle the case.
- D. A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion that he or she works on it. The investigator shall maintain a file to include supplemental reports.
- E. A follow-up investigation consists of, but is not limited to, the following activities:

FOR A NON-CRIMINAL CASE

- 1. Interviewing complainants and witnesses.
- 2. Locating missing persons.
- 3. Determining if information or suspicious activity relates to criminal activity.
- 4. Distributing information to the proper persons or agencies.
- 5. Locating lost property and returning same to the owner.
- 6. Investigating deaths, overdoses, suicides, and injuries to determine if a crime was committed.
- 7. Making necessary notifications or conducting necessary inspections.
- 8. Recording information.

FOR A CRIMINAL CASE

- 9. Reviewing and analyzing reports of preliminary investigations.
- 10. Recording information.
- 11. Reviewing departmental records for investigative leads.
- 12. Seeking additional information (from other officers, informants, contacts in community, other investigators/agencies).
- 13. Interviewing victims and witnesses.

14. Interrogating suspects.
15. Arranging for the dissemination of information as appropriate.
16. Planning, organizing, and conducting searches.
17. Collecting physical evidence.
18. Recovering stolen property.
19. Arranging for the analysis and evaluation of evidence.
20. Reviewing results from laboratory examinations.
21. Identifying and apprehending the offender.
22. Checking the suspect's criminal history.
23. Determining if the suspect has committed other crimes.
24. Consulting with the commonwealth's attorney in preparing cases for court presentation and assisting in the prosecution.
25. Notifying victims and witnesses when their presence is required in court.
26. Testifying in court.
27. Arranging for polygraph examinations, if necessary.

V. REPORT WRITING

A. Field notes

All formal reports begin with field notes. Field notes are important for the following reasons:

1. To create a permanent record of events.
2. To aid the investigation.
3. To ensure accurate testimony in court.
4. To protect the officer from false accusations.

B. Formal reports shall include the following information:

1. Date, time of arrival at the scene.
2. Relevant weather or situational conditions at the scene upon arrival (e.g., a fire, crowd).
3. Circumstances of how the crime was discovered and reported.
4. Identity of other officers or emergency personnel at the scene.
5. Physical evidence present at the scene and the officers responsible for its collection.
6. Names, addresses, telephone numbers of victims or witnesses.
7. Results of interviews with the complainant, victim, or witnesses to include the identity or description of suspects.
8. Diagrams, sketches, photographs, or videotape taken at the scene, and the identity of the photographer or artist.
9. Recommendations for further investigation.

VI. SOURCES OF INFORMATION

A. General

Officers must cultivate sources of information to draw in an investigation.

B. Informants

Information is available from many sources, e.g., concerned citizens who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in crime. These sources shall be kept in mind when conducting investigations and interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it. For guidance on handling informants, consult GO 2-11.

C. Interviews and interrogation

1. Field interviews

Field interviews are a productive tool and source of information for the department. They shall be used only in the pursuit of legitimate enforcement goals and not to harass citizens. When used properly they can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals. Legal guidelines are discussed under GO 2-3.

2. Victim/witness interviews

- a. Officers must recognize the trauma/stress to which the victim or witness has been subjected and shall conduct the interview in such a manner as to reduce stress.
- b. The age, physical limitations, and credibility of witnesses shall also be considered when evaluating their information.
- c. Interviewing techniques specific to victims are discussed under GO 2-28.

3. Interrogation of suspects

- a. Interrogations to obtain investigative leads can be very useful, but all constitutional precautions must be taken and recorded if the interrogation is to be used in court later.
- b. For court use, detailed notes or a recorded tape shall be made of the interrogation for court use giving time, date, location, officers present, waiver of rights, and the time the interrogation ended. Statements obtained during an interrogation shall not be based on coercion, promises, delays in arraignment, or deprivation of counsel. See GO 2-1 for further legal requirements. Juvenile victims, witnesses, and suspects shall be given the same constitutional protection as adults. The following additional safeguards shall be followed:
 - (1) Parents or guardians shall be notified whenever a juvenile is interrogated, taken into custody, or charged.
 - (2) The number of officers engaged in the interrogation shall be kept to a minimum. The interrogation shall be as short as possible.

D. Collection, preservation, and use of physical evidence

Physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.

- 1. All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge. See GO 2-15 for further requirements.

VII. RELATIONSHIP WITH COMMONWEALTH'S ATTORNEY

- A. All personnel shall make appointments with the commonwealth's attorney in advance, be on time, have the subject for discussion ready, and keep conversations brief.
- B. In every contested case, misdemeanor or felony, the officer involved shall make an appointment with the commonwealth's attorney or his or her assistant to discuss the case before trial.
- C. During any investigation (or during planning for arrest or pretrial stages), any questions of law or criminal procedure shall be addressed to the commonwealth's attorney. Questions on law-enforcement procedures shall be addressed to the chief of police/sheriff.
- D. The commonwealth's attorney may advise the chief of police/sheriff of any cases where a decision was made not to prosecute or where the case was dismissed because of mishandling or error by an officer.

VIII. ORGANIZED/VICE CRIMES AND POLICE INTELLIGENCE INFORMATION AND COMPLAINTS

- A. Officers may receive information on or complaints regarding organized crime, vice, or matters of law enforcement intelligence demanding investigation. Organized crime and vice activities and intelligence matters may include any of the following:
 - 1. Corruption, extortion, bribery.
 - 2. Illegal sale and distribution of liquor, tobacco, firearms, or controlled substances.
 - 3. Prostitution, pornography.
 - 4. Gambling.
 - 5. Theft/fencing rings.
 - 6. Loan sharking or labor racketeering.
 - 7. Terrorism, subversive activities, or civil disorders.
- B. Officers receiving information under A above shall prepare an incident/information report which shall include the following information:
 - 1. Type of illegal/suspected activity, location, names and addresses of suspects involved, and information concerning the activities.

2. Name, address, and telephone number of the complainant, if any.
- C. Initially, the reporting officer shall conduct no preliminary or follow-up investigation, but shall first contact the on-duty supervisor concerning the reported information.
1. The chief of police/sheriff shall confer with appropriate state, federal, or local law enforcement agencies.

IX. DISPOSITION OF CASES

- A. The investigator shall maintain files of all cases assigned to him or her. All case files shall be appropriately labeled with the date of incident, name of victim, or name of suspect or arrested person. ***[Note: In some agencies, an original file is maintained in a secure location and the investigator uses a copy of the case file.]***
1. The file shall contain the original incident report, any supplementary reports, statements, photographs, lab reports, reports of disposition of any property stolen, confiscated, recovered, or otherwise pertinent to the case, arrest reports, and anything else the investigator deems pertinent.
- B. When the investigation is complete, the investigator shall close the case under (and include in the file a statement giving) one of the following labels:
1. Cleared - An arrest has been made in this case.
 2. Exceptional Clearance - The identity and address or exact location of the culprit is known and sufficient evidence to obtain a warrant exists. However, due to some reason outside the control of the police, no arrest will be made. Examples: Complainant will not prosecute; commonwealth's attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and no charges will be placed by the department.
 3. False Report - The reporting party lied in order to mislead the police concerning the incident. Do not confuse unfounded and false report. It is a violation of the law to deliberately make a false report. An unfounded report is usually made in the belief that the offense actually occurred, but, in fact, it did not.
 4. Unfounded - The offense did not really occur in the first place, although at the time of the original report, it was believed to have occurred. If the investigation has exhausted all leads, yet the possibility remains that new facts may come to light given future inquiry, the case shall remain open.

5. Suspended - All leads have been exhausted. No further investigation is possible or practical until new leads develop.